

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

Criminal File No. 08-254 (MJD/JJK)

(1) MICHAEL ANDREW GROSS,

Defendant.

William J. Otteson, Assistant United States Attorney, Counsel for Plaintiff.

Steven J. Meshbesh, Meshbesh & Associates, PA, Counsel for Defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated December 19, 2008. [Docket No. 87] Both Plaintiff and Defendant filed objections to the Report and Recommendation. Pursuant to statute, the Court has conducted a de novo review of the record, including all transcripts filed and all exhibits submitted to the Court. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based

upon that review, the Court **ADOPTS** the Report and Recommendation.

Accordingly, based upon the files, records, and proceedings herein, **IT IS**
HEREBY ORDERED that:

1. The Court **ADOPTS** the Magistrate Judge's Report and Recommendation dated December 19, 2008 [Docket No. 87].
2. Defendant's Motion to Suppress Evidence Obtained by Search and Seizure [Docket No. 34] is **DENIED**.
3. Defendant's Motion to Suppress Statements [Docket No. 61] is **GRANTED**.

Dated: February 19, 2009

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court